

UNITED STATES
v.
FLETCHER DE FISHER ET AL.

IBLA 85-693

Decided June 24, 1986

Appeal from a decision of Administrative Law Judge John A. Rampton declaring mining claims and millsites null and void. Idaho Contest No. 13109, et al.

Dismissed.

1. Appeals -- Rules of Practice: Appeals: Dismissal -- Rules of Practice:
Appeals: Statement of Reasons

A statement of reasons for an appeal that does not point out affirmatively why the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed. Conclusory allegations of error, standing alone, do not suffice to point out error.

APPEARANCES: Royce Lee, Esq., Idaho Falls, Idaho, for contestee;
Erol R. Benson, Esq., for contestant.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Contestees have appealed the May 8, 1985, decision of Administrative Law Judge John R. Rampton declaring 95 mining claims and 9 millsites located within the Sawtooth National Recreation Area (SNRA), null and void "as either presently lacking a discovery of valuable mineralization or as being relocations made after August 22, 1972, when the lands upon which they are situate were withdrawn from mineral entry pursuant to the creation of SNRA."

On July 10, 1985, counsel for contestees submitted the following as "the Statement of Reasons for the above appeal":

- "1. Contestant failed to establish prima facie case for each of the claims in the contest.
- "2. Claimant established by a preponderance of the evidence that each of the claims were valid.

"3. The decision constitutes a taking of claimants' property without due process of law.

"4. Evidence indicated each of the claims has a discovery of valuable mineralization.

"5. There was no 'relocation' of any claim after August 22, 1972 and any claim amendments are valid."

[1] It is well established that failure on appeal to point out affirmatively why the decision appealed from is in error may be treated in the same manner as an appeal in which no statement of reasons has been filed. The appeal may be dismissed. United States v. Reavely, 53 IBLA 320 (1981); United States v. Coppridge, 17 IBLA 323 (1974); United States v. Whittaker, 12 IBLA 279 (1973). Conclusory allegations of error, standing alone, do not suffice. B. H. Northcutt, 75 IBLA 305 (1983). The statement of reasons quoted above does not meet the requirements of the Board's rules requiring a statement of reasons because it does not adequately point out the basis for appellants' belief that the decision appealed from is in error. Accordingly, the appeal is subject to dismissal.

Therefore, in accordance with the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Will A. Irwin
Administrative Judge

We concur:

C. Randall Grant, Jr.
Administrative Judge

R. W. Mullen
Administrative Judge.

